REMARKS

Status of claims

Applicants thank the Examiner for the consideration given to the present application. Claim 29 has been amended to make claim 29 depend from claim 3. This amendment was made to correct a typographical error. Support for the amendment is found in the specification, figures, and original claim 3, and thus no new matter has been entered in the claims. Claims 1-22 and 29 are pending in the present application.

In the previous Response and Amendment submitted on September 6, 2005, Applicants withdrew claims 23-28 without prejudice as being drawn to a non-elected invention in order to expedite prosecution. However, since the limitations of independent claim 1 and 3 are found within the independent method claims 23 and 25 and dependent claims 24 and 26-28 depend from claims 23 and 25, Applicants respectfully submit that the burden on the Examiner would be minimal and thus respectfully traverse the restriction requirement. Applicants request that upon the allowance of claims 1-22 that claims 23-28 be rejoined.

Terminal Disclaimer

Applicants thank the Examiner for reviewing and accepting the terminal disclaimer to pending reference application number 10/371,864, filed on February 21, 2003, in the present application. However, Applicants are unsure as to why the Examiner did not receive the second terminal disclaimer over the applied U.S. Patent Number 6,827,878 that was submitted on October 31, 2005. Accordingly, Applicants are re-submitting this terminal disclaimer over the applied U.S. Patent Number 6,827,878 with the present Amendment and Response.

Rejection of Claim 29 under 35 U.S.C. §112

Claim 29 has been rejected under 35 U.S.C. §112, first paragraph, because the specification did not reasonably provide enablement for a composition for purifying and clarifying contaminated drinking water that only comprises a water-soluble or water dispersible polymeric bridging flocculant as set forth in claim 29. Accordingly, Applicants have amended claim 29 to depend from claim 3 to correct the inadvertent typographical error. Support for this

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amendment can be found in Applicants' specification on page 4, line 1 to page 5, line 26, particularly page 4, lines 24-25, and original claim 3.

Rejection of Claims under 35 U.S.C. §102 and 35 U.S.C. §103

Claim 29 has been rejected under 35 U.S.C. §102(b) as being anticipated by Souter et al. WO 02/00557 A2. Claims 1-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Souter et al. WO 02/00557 A2 (the "'557 Application") or Souter et al. U.S. Patent No. 6,827,874 (the "'874 Patent"), both said references optionally in view of Williamson Jr. U.S. Patent Number 3,325,014. Applicants respectfully traverse these rejections.

Applicants respectfully submit that U.S. Patent No. 6,827,874 was published on February 12, 2004 (U.S. 2004/0026657 A1) which was after the January 30, 2004, filing date of the present application. Thus, the '874 Patent is not a prior art reference under 103(a). Notwithstanding the above argument, Applicants submit that the present application is a continuation of P.C.T. Patent Application No. U.S. 02/23808 under 35 U.S.C. §120. Applicants further submit that the specification has been amended to reflect that the present application is a continuation of P.C.T. Patent Application No. U.S. 02/23808 filed July 26, 2002, which in turn claims priority to G.B. Application No. 0118749.1 filed on August 8, 2001. Moreover, Applicants have enclosed a Supplemental Declaration and Power of Attorney that also identifies the present application as a continuation of P.C.T. Patent Application No. U.S. 02/23808, which in turn claims priority to G.B. Application No. 0118749.1. Therefore, Applicants respectfully submit that a proper claim for priority to P.C.T. Patent Application No. U.S. 02/23808 in accordance with 35 U.S.C. §120 has now been made, and thus the present application properly claims benefit to both P.C.T. Patent Application No. U.S. 02/23808 and G.B. Application No. 011879.1. Accordingly, Applicants submit that having now properly claimed the benefit of P.C.T. Patent Application No. U.S. 02/23808 filed July 26, 2002, and G.B. Application No. 0118749.1 filed on August 8, 2001, neither the '557 Application nor the '874 Patent are proper prior art references under 35 U.S.C. §102(b) or 35 USC §103(a).

Applicants note that they previously submitted on October 27, 2005, and are currently re-submitting a Statement of Common Ownership signed by an Attorney of Record stating that the present application and the two Souter et al. references (the '557 Application and the '874 Patent)

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were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, the Procter & Gamble Co. Thus, Applicants respectfully submit that the '557 Application and the '874 Patent do not qualify as prior art references under 35 U.S.C. §102(e)/35 U.S.C. §103 because (i) the present application was filed on or after November 29, 1999 and (ii) the '557 Application and the '874 Patent were at the time the invention was made, owned by, or subject to an obligation of assignment to, The Procter & Gamble Co. Accordingly, since the '557 Application and the '874 Patent do not qualify as references under 35 U.S.C. §102(b) or 35 U.S.C. §103(a), Applicants respectfully request the rejections of claims 1-22 and 29 to be withdrawn.

Rejection under Non-Statutory Double Patenting

Claims 1-12, 14-22, and 29 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent 6,827,874. Applicants respectfully traverse this rejection because the claims of the present invention are patentably distinct from the claims of the cited patents and patent applications. However, to simplify the issues in the present application, Applicants submit the appropriate Terminal Disclaimer enclosed herein over the U.S. patent 6,827,874. In submitting this Terminal Disclaimer, Applicants state for the record that this Disclaimer is not an admission of obviousness in view of the cited U.S. patent. *Quad Envtl. Corp. v. Union San. Dist.*, 20 USPQ2d 1392 (Fed. Cir. 1991). Therefore, Applicants respectfully request withdrawal of the obviousness-double patenting rejections.

Priority

Applicants would like to thank the Examiner for acknowledging Applicants' claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in GB on 08/01/2001. However, the Examiner stated that a claim for priority under 35 U.S.C. 119(a)-(d) could not be based upon GB 0118749.1 because the present application was filed more than twelve months thereafter. Accordingly, Applicants have amended the specification and submitted a Supplemental Declaration and Power of Attorney identifying that the present application is a continuation of P.C.T. Patent Application No. U.S. 02/23808 filed July 26, 2002, which in turn

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properly claims priority to G.B. Application No. 0118749.1 filed on August 8, 2001 in accordance with 35 U.S.C. §120. Therefore, Applicants respectfully submit that a proper claim for priority has now been made.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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